



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-6359

June 1, 2022

By ECF

The Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Melvin L. Virgil v. Aaron Finn et al., 7:22-CV-3169 (CS)

Dear Judge Seibel:

This letter is being submitted to respectfully request an extension for Defendant Aaron Finn, who has been served, to respond to Plaintiff's Complaint (ECF Doc. No. 1). Upon information and belief, no other Defendants have been served to date. Specifically, it is respectfully requested that the time for Defendant Finn to respond to the Complaint be extended from May 31, 2022 to July 15, 2022, *nunc pro tunc*. Defendant Finn has retired from service with DOCCS, and is a named defendant in a federal criminal matter associated with the events underlying the Complaint in this case. The representational analysis required under Public Officers Law § 17 with respect to Finn's request for representation is still ongoing and therefore an extension of time for Defendant Finn to respond to the Complaint is necessary.

Plaintiff has consented to this application. The requested extension does not impact any other deadlines and is the first request for an extension in this case.

Lastly, I sincerely apologize to the Court, Plaintiff, and Plaintiff's counsel for not submitting this application prior to May 31, 2022, as it was inadvertently mis-calendared.

Respectfully submitted,

/s/ Andrew Blancato
Andrew Blancato
Assistant Attorney General
28 Liberty Street - 18th Floor
New York, New York 10005
(212) 416-6359

cc: Marie-Ann Sennett, Esq.
Prisoners Legal Services of New York
10 Little Britain Road, Suite 204
Newburgh, NY 12550
(845) 391-3110
(via ECF and First Class Mail)

DECLARATION OF SERVICE

Andrew Blancato, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

I am over 18 years of age and not a party to this action. On June 1, 2022, I caused to be served the annexed Letter-Motion, upon:

Marie-Ann Sennett, Esq.
Prisoners Legal Services of New York
10 Little Britain Road, Suite 204
Newburgh, NY 12550
(845) 391-3110
(via ECF and First Class Mail)

Attorney for Plaintiff, by mailing a true copy and correct copy thereof, enclosed and properly sealed in a postpaid envelope, under the exclusive care and custody of the United States Postal Services within the State of New York addressed to the above-noted address designated by plaintiff for that purpose.

S/ Andrew Blancato
Andrew Blancato
Assistant Attorney General

Executed on June 1, 2022